

Local Agency Formation Commission
Of Modoc County
Regular Meeting

Minutes of April 13, 2010

1. Call to Order:

Chairman Macsay called the meeting to order at 5:04 pm, in the City Council Chambers, Alturas City Hall. Commissioners Dederick, Schreiber, Bradshaw and Macsay were present. Commissioner Alternate Public Member Jerry Shea is also present. Commissioner Neer is absent.

Staff Present: John Benoit, Executive Officer and Stephanie Northrup, Clerk

Pledge of Allegiance

2. Approval of Agenda:

Commissioner Dederick made the motion to approve the agenda as submitted; seconded by Commissioner Bradshaw. In favor: Unanimous.

3. Correspondence:

Executive Officer Benoit states he received a Calafco newsletter and everything else he received has been included in the Fire MSR.

4. Approval of Minutes: February 9, 2010

Commissioner Dederick made the motion to approve the minutes of February 9, 2010 as submitted; seconded by Commissioner Alternate Shea. In favor: Unanimous.

5. Public Comment: Members of the public may address the Commission on matters under its jurisdiction that are not on the agenda. The Commission may limit the public comment to three minutes. The Commission may not render any decisions other than those items that are contained on the agenda; the public may request an item to be placed on a subsequent agenda.

None.

6. Conduct Public Hearing on the Municipal Service Review for Fire and EMS services.

- a. *Review staff memo, open hearing and receive comment and consider resolution 2010-0003 adopting a MSR for Fire and EMS services.*

Chairman opens the public hearing at 5:07 p.m. Staff Report: Executive Officer Benoit states a couple drafts went out to the various districts. Since the last meeting he had sent out another memo and has received comments from almost everyone. He put together a Resolution for the MSR with these comments included. A lot of the updates were on equipment. Today at Calafco they were doing a Fire District Seminar. He states we aren't ready for that in Modoc County. Executive Officer Benoit states we need to do a Sphere of Influence after this, and he will make sure the boundaries reconcile with property lines. He will go through a similar process with the districts, by sending them a map to see if they agree with the boundaries and ask if they see their service areas changing in the next ten years. He doesn't see any changes happening though.

Public Comment: James Safford, Willow Ranch FD Assistant Chief, states on page 7 it says that ambulance service is provided by Modoc Medical Center and Surprise Valley Hospital District. He states their ambulance actually comes out of Lakeview, Oregon from Lake County Hospital and asks how that would apply. Executive Officer Benoit states he would like to add a comment stating that. Planning Director Hunter asks about ambulance service for Newell and Tulelake. Commissioner Bradshaw states that comes from Merrill and Dorris. Planning Director Hunter states that Day might be served by McArthur. Commissioner Alternate Shea states Mercy Modoc Medical Center should just say Modoc Medical Center. Executive Officer Benoit will verify that these are all correct.

Executive Officer Benoit didn't receive comments from Davis Creek, Lookout and Tulelake. Commissioner Bradshaw states Tulelake will resend it, because they sent it to the wrong address. Commissioner Bradshaw can provide Lookout information and Davis Creek falls under Supervisor Bullock's area. Chairman closes the public hearing at 5:17 p.m. Commissioner Alternate Shea made the motion to adopt the MSR for Fire and EMS Services Resolution 2010-0003; seconded by Commissioner Bradshaw. In favor: Unanimous.

7. Conduct Public Hearing on the Proposed 2010-2011 Budget or Modoc LAFCO.

a. Review staff Budget Report and adopt resolution 2010-0004 approving a proposed budget for fiscal year 2010-2011.

Chairman opens the public hearing at 5:18 p.m. Staff Report: Executive Officer Benoit states they have the budget before them. He states the budget is pretty close to what it is this current year. He reviews the amounts with the Commissioners. The MSR Updates is \$2,200 less this year, since they are getting these MSR updates completed. He states we don't have a reserve fund but we do have a contingency fund which is a percentage of the total budget.

Executive Officer Benoit states the city and county shares are slightly lower than last year. He also lowered the Transportation and Travel. There is a Calafco conference in Palm Springs, and he thinks it could be a good conference. He would recommend that one and possibly two Commissioners attend the conference. We would have to adjust the amount if two Commissioners attended. He states we can do that should that be the case. He states after the June meeting we can have a final decision. Proponents: none. Opponents: none. Commissioner Alternate Shea asks if we add another \$1000 to Transportation and Travel, would that raise the

bottom lines for the city and county. Executive Officer Benoit states we can take it out of contingency so we don't require more funds. Chairman closes the public hearing at 5:25 p.m.

Commissioner Dederick made the motion to adopt Resolution 2010-0004 approving the proposed budget for fiscal year 2010-2011; seconded by Commissioner Alternate Shea. In favor: Unanimous.

8. Review and Authorize payment of claims.

- a. *Ratify payment of claims for February 2010 and authorize payment of claims for March 2010.*

Motion made by Commissioner Alternate Shea to ratify payment of claims for February 2010 and authorize payment of claims for March 2010; seconded by Commissioner Dederick. Commissioner Macsay states that since Executive Officer Benoit has been here they have saved quite a bit of money and have gotten a lot done, and he really appreciates that. In favor: Unanimous.

9. Set meeting date moving the June 8, 2010 to another meeting day, since LAFCO's regular meeting is scheduled on Election Day.

Executive Officer Benoit is suggesting the 15th of June. He states we will have a final budget and possibly the MSR for Cemetery Districts. He would also like to move things along for the Sphere of Influence for the City. He suggests having a meeting an hour earlier for a city and county representative to discuss the Sphere. Planning Director Hunter states she will be on vacation on the 15th and she would really like to be at that meeting. She suggests doing a conference call with Executive Officer Benoit from the Planning Department prior to June. City Public Works Director Chester Robertson would like to get through the pre-zoning hearings as well. Executive Officer Benoit states he would also like to keep CEQA to a minimum to save money for LAFCO.

Motion made by Commissioner Alternate Shea to change the meeting date in June from the 8th to the 15th; seconded by Commissioner Bradshaw. In favor: Unanimous.

10. Executive Officer's Monthly Report – General Discussion

Executive Officer Benoit states he is going to get an application from Hot Springs Valley Irrigation District. He states he would also like to go over some upcoming bills.

AB419, which makes the Board call an election within 45 days of LAFCO submittal. AB711, which he states this is regarding East L.A. wanting to incorporate. They are trying to get a loan, and they are seeking special legislation to get money. Calafco is taking a watch position on this. Executive Officer Benoit feels they should oppose it. He hasn't read the bill, but he thinks if a corporation fails, the costs would fall on the BOS.

AB853, states it will facilitate annexation of disadvantaged unincorporated fringe and island communities that lack basic infrastructure. That bill is going to be discussed this year. He thinks the ACLU brought this forward originally. He was at the Calafco board meeting when this was mentioned and he thinks majority is opposed to this.

Executive Officer Benoit states there is some clean up legislation with AB1668. There are a couple placeholder bills, which he states he doesn't know what they will be about. There are a couple omnibus bills, and some items are being added to those. Calafco is opposing SB211 which does things outside of the LAFCO process. SB896 is a placeholder bill, but there is no context in the bill so they are watching it closely. There is also another placeholder bill from Senator Ashburn.

In regards to the Williamson Act, Senator Cox had a meeting and they discussed this issue as many counties lost lots of funds from losing the subvention. They would like to find some sustainable source of funding to keep the Williamson Act going. He hasn't seen the Williamson Act report yet. Planning Director Hunter will provide him a copy.

Commissioner Macsay asks about the application for AB8. Executive Officer Benoit states when Prop 13 was passed, everyone was taxed and they came up with AB8 which gave a percentage to all the districts. If the fire district is no longer serving it than those funds wouldn't go to that anymore so they would have to decide who would get those funds. The city and county would have to agree to a property tax exchange, prior to LAFCO passing a resolution. Usually when he gets an application he sends letters out to the Assessor, Auditor, Board and Administration. He states it will also go to the city as well and the two entities will have to come to an agreement.

Commissioner Alternate Shea states this process could help to make a fair distribution of funds between the entities. Executive Officer Benoit states yes it could. The city and county will need to form committees to discuss this and each would have to pass a resolution.

11. Commissioner Reports - Discussion

Commissioner Dederick states he is glad that Executive Officer Benoit is taking the appropriate steps.

There being no further business to come before this Commission; Commissioner Dederick made the motion to adjourn the meeting, seconded by Commissioner Schreiber, and the meeting was adjourned at 5:52 p.m.

The next meeting will be held June 15, 2010 at 5:00 p.m.